

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare – East Godavari District – Revision Petition filed Under Section 6 of A.P.S.A.L.T.R. 1959, by Sri Anem Venkataramana and 3 others R/o Kondaguntur, Rajanagaram (M) East Godavari against the orders of the Additional Agent to Government, Rampachodavaram in CMA No.2/1987, dated:28.3.1988– Dismissed – Orders – Issued.

SOCIAL WELFARE (LT R-1) DEPARTMENT

G.O.Ms.No. 63

Dated:11-06-2009.
Read the following:

- 1 From Sri. K.V.N. Bhupal, Counsel for the petitioner, Revision Petition dt:3-08-1996.
- 2 Government Memo No.13313/F-2/1996, dt:13-8-1996, 29-1-1997 and last reminder on 06.2.1999.
3. From the Collector, East Godavari F2/M/1389/96, dt:5-3-1999.
4. From the Collector, East Godavari F2/M/2188/2000, dt:27-7-2004.
5. Government Memo No.13313/LTR-2/1996 dt:25-6-2005, 2-3-2007, 21-3- 007, 6-11-2007 and 23-12-2008.

ORDER:

In the reference 1st read above Sri Anem Venkataramana S/o Anem Satyanarayana and 3 others R/o Kondaguntur (V) Rajanagaram Mandal, East Godavari have filed a Revision Petition before the Government against the orders of the Additional Agent to Government Rampachodavaram, East Godavari District in CMA No.2/87 dt:28-3-1988, in respect of lands admeasuring Acres 2.44 cents in Sy.No.81-1 of Surampalem (V) Addateegala (Tq) of East Godavari District. The main grounds of the appellant in the Revision Petition among others are:

- a. In the year 1968, father of the petitioner purchased the land admeasuring Acres 2.44 cents situated in Surampalem (V) of Addateegala (M), East Godavari District from the non-tribal viz., Vegu Swamy and that they belong to Gouda community which comes under ST in the Agency Area.
- b. The LTRP No.153/75 was enquired in detail, held the petitioner herein belong to Scheduled Tribe and allowed in their favour as the transaction was between tribals. The subsequent LTRP No.321/76 was also allowed in their favour and hence requested to allow the Revision Petition.

2. The brief history of the case is that Sri Kanem Naganna S/o Lakshmaiah of Surampalem village, East Godavari, filed a complaint before the Special Asst. Agent, Peddapuram stating that he belongs to Kondadora Community and the respondent i.e. Anem Satyanarayana who belongs to Gouda community took away his land of Acres 2.44 in Surampalem village and requested to restore. Accordingly, a case was registered under LTR in LTRP No.153/75 and enquired into. The Special Assistant Agent, Peddapuram held in his order dated 4-6-1976 that the petitioner's father i.e. Kanem Lakshmaiah sold away the petition scheduled land to "Velamas" in the first instance. Velama people sold the same to Teki Satyam, who was a Washerman by caste and the present respondent i.e. Anem Satyanarayana purchased same from the Teki Satyam. The respondent Anem Satyanarayana belongs to Gouda community and a tribal. Since the case was between two tribals, it was not maintainable under LTR and hence dismissed the petition.

The subsequent case in LTRP No.321/78 on the file of Dy. Collector (TW), Kakinada on a complaint made by Special Deputy Tahasildar (TW), Pidathamamidi, was also dismissed on 2-6-1979 on the point of Resjudicata.

An appeal was filed by the Special Deputy Tahasildar (TW) before the Additional Agent to Government, East Godavari urging that the respondent was non-tribal and

plains man and that the tribal petitioner's father sold the land without obtaining permission of the Agent to Government. The lower court had not conducted enquiry properly and not considered abundant evidences available. The Appeal was admitted by the Agent to Government, East Godavari District vide CMA No.2/87 and allowed on the following grounds:

- i. The appellant Kanem Nagayya S/o Lakshmaiah R/o Surampalem belongs to Kammara caste which is a hill tribe notified under the Agency Act 1 of 1917.
- ii. The respondent Anem Satyanarayana admitted that the scheduled land originally was sold by Appellant's father to a non-tribal through registered sale deed dt:30-5-1922 (24-6-1922). Subsequently, it was sold to another non-tribal through registered sale deed dt:19-10-1932 and again to the respondent herein through registered sale deed dt: 20-2-1968.
- iii. The respondent claimed that he belongs to Gowda community. The people belonging to Gowda community and residing in the district were neither hill tribes under the Agency Act 1 of 1917 nor STs under the Presidential Order, 1950. They belong to BC community. Hence, the transaction held by father of Appellant to another non-tribal i.e. Nadiminti Dalayya through registered sale deed on 24-6-1922 is null and void under Section 4 (1) of Agency Tract 1 of 1917.

3. In the reference 2nd read above the Collector, East Godavari was requested to furnish para-wise remarks and case records, the same were furnished vide the references 3rd and 4th read above. After examination the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 18-7-2005, 15-3-2007, 28-3-2007, 20.11.2007 and was finally heard on 31-12-2008 vide reference 5th read above. Both the Petitioner and his counsel were absent and the case is decided based on the records.

4. Government after careful examination of the material evidence on record observed that:-

Sri Kanem Nagaih is a tribal belongs to Kammara Scheduled Tribe community. His father Sri Kanem Lakshmaiah sold the land admeasuring Ac.2.44 cents in Sy.No.81-1 at Surampalem village of Addateegala Mandal in East Godavari District to a non-tribal viz., Nadiminti Dalaiah (Koppulavelama-NT) through registered sale deed No.1833/1922, dt:30-5-1922. The said non-tribal sold the land to another non-tribal viz., Teki Swamy through registered sale deed No.19-12-1932 who again sold it to the father of petitioners herein through registered sale deed No.24/1968 on.20-2-1968. The main contentions of the petitioners are that they belong to Gouda community which was recognized as Scheduled Tribe in the Hill Tribes list till 1986 and that even if they are treated as non-tribes, the transaction was between non-tribals before the Act 1/1970 came into force. According to Section 4 (1) of Act 1 of 1917, notwithstanding any rule, law or enactment to the contrary, any transfer of immovable property situated within the Agency Tracts by a member of hill tribe shall be absolutely null and void unless made in favour of another member of a hill tribe or with the previous consent in writing of the Agent or of any other prescribed officer. The 1st transaction between tribal Kanem Lakshmaiah and non-tribal Nadiminti Dalaiah through Registered deed dt:30-5-1922 is not valid as permission required under the said Act 1 of 1917 was not obtained from the Agent to Government. Accordingly the subsequent transactions are also illegal and void under law in view of the savings provision under Section (10) of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 read with Act 1 of 1970.

5. Government after careful examination of the case records, find no reason to interfere with the Orders of the Agent to Government, Rampachodavaram, East Godavari District in CMA No.2/87 dt:28-3-1988 and accordingly dismiss the Revision Petition.

6. The Collector, East Godavari / Agent to Government, Rampachodavaram, East Godavari District is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,
PRL.SECRETRY TO GOVERNMENT.

To

The Collector, East Godavari District.

(with RPAD of the following records)

1. CMA No.2/87 NF 50 pages and CF 2, total 52 only.
2. LTRP No.321/76 pp 1-34 only.

The Agent to Government, Kakinada, East Godavari.

The Special Deputy Collector (TW), Rampachodavaram, East Godavari.

Sri Kanem Nagayya S/o Laxmaiah,

R/o Surampalem (V) Addateegala (M), East Godavari.

Sri Anem Venkataramana/Anem Venkat Rao/Anem Srinivas/Anem Rambabu

R/o Kondaguntur, Rajanagaram(M), East Godavari.

Sri K.V.N. Bhupal, Advocate,

Madhava Apartment, Khairatabad, Hyderabad.

Copy to P.S. to M(TW&RIAD).

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER